

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ARAB AMERICAN CIVIL RIGHTS
LEAGUE, *et al.*,

Plaintiffs,

Case No. 17-10310

v.

Hon. Victoria A. Roberts
Mag. Judge Stephanie D. Davis

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

/

DEFENDANTS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants, by and through counsel, hereby provide this Second Notice of Supplemental Authority in Support of their Motion to Certify this Court's July 10, 2019 Order for Interlocutory Appeal and For a Stay of Discovery Pending Appeal (ECF No. 140) ("Motion to Certify and Stay Discovery"). Specifically, Defendants respectfully submit this notice concerning an order issued yesterday by the United States Court of Appeals for the Fourth Circuit in *Trump v. International Refugee Assistance Project* ("IRAP"), No. 19-350, Doc. No. 16 (4th Cir. Sept. 11, 2019) (Defendants' Exhibit 1). In that order, a unanimous panel of the Fourth Circuit both accepted the government defendants' interlocutory appeal pursuant to 28 U.S.C. § 1292(b) and stayed all district court proceedings in *IRAP* pending the disposition of that appeal. For the reasons Defendants have previously explained, this Court

should follow the lead of the Fourth Circuit: Controlling Supreme Court and Sixth Circuit precedent make clear that certification of this Court's July 10, 2019 Order denying Defendants' Motion to Dismiss is necessary and appropriate, as is a stay of discovery in this Court pending the Sixth Circuit's guidance.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

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Director

SAMUEL P. GO
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/s/ Joshua S. Press
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2019, I electronically filed the foregoing DEFENDANTS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY with the Clerk of the Court for the Eastern District of Michigan by using the CM/ECF system. Notice of this filing will be sent out to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

By: /s/ Joshua S. Press
JOSHUA S. PRESS
Trial Attorney
United States Department of Justice
Civil Division

Defendants' Exhibit 1

FILED: September 11, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-350
(8:17-cv-00361-TDC)
(8:17-cv-02921-TDC)
(1:17-cv-02969-TDC)

DONALD J. TRUMP, in his official capacity as President of the United States; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; KEVIN K. MCALEENAN, In his official capacity as Acting Secretary of Homeland Security; MICHAEL R. POMPEO, In his official capacity as Secretary of State; JOSEPH MAGUIRE, In his official capacity as Acting Director of National Intelligence; MARK A. MORGAN, in his official capacity as Senior Official Performing the Functions and Duties of the Commissioner of U.S. Customs and Border Protection; KENNETH T. CUCCINELLI, in this official capacity as Acting Director of U.S. Citizenship and Immigration Services; WILLIAM P. BARR, in his official capacity as Attorney General of the United States

Petitioners

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a Project of the Urban Justice Center, Inc., on behalf of itself and its clients; HIAS, INC. on behalf of itself and its clients; JOHN DOES #1 AND 3; JANE DOE #2; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; ARAB AMERICAN ASSOCIATION OF NEW YORK, on behalf of itself and its clients; YEMENI-AMERICAN MERCHANTS ASSOCIATION; MOHAMAD MASHTA; GRANNAZ AMIRJAMSHIDI;

FAKHRI ZIAOLHAGH; SHAPOUR SHIRANI; AFSANEH KHAZAEILI; JOHN DOE #5; JOHN DOE #4; IRANIAN ALLIANCES ACROSS BORDERS; JANE DOE #1; JANE DOE #3; JANE DOE #4; JANE DOE #5; JANE DOE #6; IRANIAN STUDENTS' FOUNDATION, Iranian Alliances Across Borders Affiliate at the University of Maryland College Park; EBLAL ZAKZOK; SUMAYA HAMADMAD; FAHED MUQBIL; JOHN DOE #2

Respondents

O R D E R

Upon consideration of defendants' petition for permission to appeal pursuant to 28 U.S.C. § 1292(b), the court grants the motion and assigns Case No. 19-1990 to the new appeal. Upon consideration of defendants' motion for stay of district court proceedings, the court grants the motion and stays the district court proceedings pending disposition of the appeal in Case No. 19-1990.

Entered at the direction of Judge Niemeyer with the concurrence of Judge Agee and Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk